

Note by the Secretariat
to members of the Security Council

On behalf of the Secretariat, the Preliminary Understanding of the United Nations Supervision Mechanism and Annex is hereby circulated for the information of the members of the Security Council.

19 April 2012

PRELIMINARY UNDERSTANDING

United Nations Supervision Mechanism

Syria

19 April 2012

INTRODUCTION

1. The Security Council, in its Resolution 2042 of 14 April 2012, reaffirms its strong commitment to the sovereignty, independence, unity, and territorial integrity of Syria, and to the principles of the Charter.
2. This Agreement is intended to provide a basis for a Protocol governing the Advance Team and, upon its deployment, the UN Supervision Mechanism (UNSM) to monitor and support a cessation of armed violence in all its forms by all parties and the implementation of the Special Envoy's Six Point Plan (endorsed in the Security Council's Resolution 2042 of 14 April 2012). This Agreement identifies issues, responsibilities and procedures which are required for the Advance Team and the effective deployment of a United Nations Supervision Mechanism, once mandated by the United Nations Security Council.
3. This Agreement is subject to any relevant Security Council resolutions and without prejudice to the model SOMA and to the Agreement to be concluded with the Government concerning the status of the UNSM in the territory of the Syrian Arab Republic. It is understood that pending the conclusion of the latter Agreement, the model SOMA shall apply.

A. BASIC ASSUMPTIONS

4. Based on the Six Point Plan of the Special Envoy and exchange of letters between the Special Envoy and the Syrian authorities it is assumed that:
 - a. The cessation of troop movements towards population centres;
 - b. The end of the use of heavy weapons in population centres;
 - c. The beginning of the pullback of military concentrations in and around population centres.
5. As of 10 April the Government of Syria has implemented:

B. TASKS and RESPONSIBILITIES of the PARTIES

- B1. Tasks and responsibilities of the Syrian Government
6. From 12 April 2012:
 - a. Cease armed violence in all its forms;

b. Complete the pullback of all Syrian Army military concentrations and their heavy weapons from inside and around population centres and return them to their barracks, or their places of temporary deployment.

c. Other responsibilities derived from the Six Point Plan in line with the Mandate;

d. Any other tasks/activities agreed by the Chief Military Observer (CMO) with the parties.

7. The Government of Syria ensures the following:

a. The maintenance of security and law and order through the use of its police and law enforcement agencies, in a manner consistent with international humanitarian and human rights law;

b. The safety and security of all UNMOs, Staff Officers, UN international and national staff and UN premises, properties and infrastructures, when and where required by the CMO without prejudice to the freedom of movement for all personnel of the Advance Team and, upon its deployment, the UNSM;

c. The full and unimpeded access of humanitarian personnel to all populations in need of assistance in accordance with the guidelines of the GA Resolution 46/182.

8. The issue of the use of air assets by the UNSM may be discussed and agreed at a later date.

9. The Government of Syria allows unhindered access of UN personnel to any facility, location, individual or group considered of interest by the Advance Team and, upon its deployment, the UNSM, in accordance with their tasks and in keeping with their mandate.

10. The Government of Syria facilitates grant of visa on arrival and expedite issuance of cross border documents to allow entry of UN personnel and equipment whose names and nature will be communicated to Syrian authorities. The Government of Syria, in conformity with Syrian law, also allows timely entry of all monitoring, security, communication and protective equipment required by the UNMOs to implement their mandated tasks, as defined by the CMO, such as:

a. Armoured Vehicles;

b. Personal protective gear (Helmets and fragmentation vests);

c. Navigation systems;

d. Information technology and Communications equipment as needed for the mandate;

e. First Aid kit;

11. Syrian Army operational requirements:

a. Complete the pullback of Syrian Army concentrations and heavy weapons from inside and around population centres;

- b. Refrain from operational deployments and movements towards, inside and around population centres;
 - c. Cease armed violence in all its forms;
 - d. Withdraw all Syrian Army concentrations and their heavy weapons from inside and around population centres and return them to their barracks or temporary deployment places;
 - e. Any other tasks/activities agreed with the parties;
12. The Syrian Armed Forces may continue to maintain the security of strategic assets and installations, e.g. ports, airports, highways, refineries etc.

B2. Tasks and Responsibilities to be confirmed by the Special Envoy with and in respect of the armed opposition groups and relevant elements

13. From 12 April 2012:

- a. A complete halt to the fighting and a sustained cessation of armed violence in all its forms;
- b. Other responsibilities derived from the Six Point Plan;
- c. Any other tasks/activities agreed by the Chief Military Observer (CMO) with the parties;

14. Armed opposition groups and relevant elements should ensure the following:

- a. No threat to the security of all UNMOs, Staff Officers, UN international and national staff and UN premises, properties and infrastructures while in areas where armed opposition groups and relevant elements are present, when and where required by the CMO without prejudice to the freedom of movement for all personnel of the Advance team and, upon its deployment, the UNSM;
- b. Freedom of movement within all areas where armed opposition groups and relevant elements are present.
- c. The full and unimpeded access of humanitarian personnel to all populations in need of assistance.

15. Armed opposition groups and relevant elements should allow unhindered access of UN personnel to any facility, locations, individual or group considered of interest by the Advance Team and, upon its deployment, the UNSM.

16. Armed opposition groups and relevant elements operational requirements:

- a. Cease all acts of aggression against Syrian Army formations, bases, convoys and infrastructure;
- b. Cease all acts of aggression against Government agencies, buildings, infrastructure as well as private and public properties and not to hinder the resumption of public services;

c. Commit to stop all illegal activities according to Syrian law, including assassinations, kidnapping or vandalism; and to return all public and private property, stolen through violence, to their rightful owners.

d. Refrain from training, rearming, regrouping or reorganizing military formations;

e. Cease public and private display of weapons;

f. Commit, in accordance with Syrian law, not to conduct or initiate activities such as establishing checkpoints, conducting patrols or policing activities.

g. Allow the safe return of all affected people to their places of residence.

C. UN SUPERVISION MECHANISM

17. Upon deployment of a Security Council-mandated supervision mission to the territory of the Syrian Arab Republic, the mission will monitor and support a cessation of violence in all its forms by all parties and the implementation of the Special Envoy's Six Point Plan. The UNSM will carry out its activities in accordance with the mandate established by the Security Council and, where appropriate, the UNSM will coordinate with the Syrian Authorities.

18. Without prejudice to the model SOMA and to the Agreement to be concluded with the Government concerning the status of the UNSM in the territory of the Syrian Arab Republic, the parties shall respect the Advance Team and the UNSM's right to:

a. Conduct its mandated activities;

b. Observe, establish and assess facts and conditions on the ground in an independent and impartial manner;

c. Liaise and engage all relevant parties;

d. Move freely throughout the country, in accordance with the mandate, with the exception of the occupied Golan;

e. Operate free from intimidation or harassment or threat to their safety and security and to the inviolability of UN premises and facilities;

f. Interact freely and confidentially with any individual, group of individuals, body or institution in Syria without threat of harassment or reprisal against them;

g. Secure unobstructed communications between UN elements as well as with UNHQ.

19. As a practical matter, the UNSM will be organized in central and regional headquarters team sites deployed throughout the country. It will have support services and enablers to allow its operations.

D. OBLIGATIONS OF THE PERSONNEL OF UNSM

20. In addition to the rights, facilities, privileges and immunities mentioned in the model SOMA and in the Agreement to be concluded with the Government concerning the status of the UNSM in the territory of the Syrian Arab Republic, the Advance Team, the UNSM and their personnel shall enjoy the privileges and immunities specified in the Convention on the Privileges and Immunities of the United Nations. In particular, the UNMOs shall enjoy the status of experts on mission within the meaning of Article VI of the Convention.

21. UNMOs will within the framework of the Security Council Mandate also have the following operational freedoms, with, where appropriate, notification/coordination with the Syrian Government:

- a. Freedom of movement/action to conduct their tasks in support of the mandate;
- b. Freedom to conduct any type of mandated operation at any time, by foot or by car;
- c. Freedom to transport and conduct Medical evacuation of UN personnel;
- d. Freedom to take pictures of military units and military equipment for the purpose of investigating violations;
- e. Freedom to park and/or stay in the vicinity of military positions of the Syrian Government and places of the armed opposition in accordance with the mandate;
- f. Freedom to use technical equipment to monitor the compliance with the ceasefire, the Six Point Plan, the Preliminary Understanding and any subsequent agreements (GPS, Communications, Photography);
- g. Freedom to install temporary observation posts inside population centres;
- h. Freedom to monitor convoys of military vehicles approaching population centres;
- i. Freedom to access detention centres and medical centres in coordination with ICRC and SARRC in the context of the implementation of mandated tasks;
- j. Freedom to investigate any potential violation;

22. Any action from any party preventing the Advance Team or the UNSM from implementing mandated tasks is a violation.

E. LIAISON COORDINATION and RESOLUTION of DISPUTE

23. Weekly or as needed liaison forums in each team site shall be convened, involving team UNMOs, local government representatives, local opposition leaders and/or activists and other representatives of civil society in order to clarify issues of concern.

24. The Chief Military Observer shall conduct regular meetings with Senior Syrian Government interlocutors and opposition figures.

F. COORDINATION AND NOTIFICATION PROCEDURES

25. In general, specific modalities for coordination and notification will be worked out by the UN CMO in consultations with all parties. Should agreement not be reached within a reasonable time, the CMO will issue a temporary ruling which will stay in effect until agreement is reached.

26. The CMO in coordination with the Syrian Government authorities and armed opposition groups and relevant elements will list, within 20 days after the adoption of an agreement, all relevant geographic information specifying on UN maps the population centres and other locations relevant to the mandate. This map will be communicated to the Security Council.

27. The CMO in coordination with the Syrian Government authorities and armed opposition groups and relevant elements will list all relevant information specifying heavy weapons/weapons systems involved in the conflict (Annex 1).

28. The Syrian Government and armed opposition groups and relevant entities will inform the UNSM on activities on which they request coordination in writing through a liaison channel. The UNSM will acknowledge in writing receipt of these requests within 3 days maximum.

29. In the event of an alleged violation occurring, the Advance Team and, upon its deployment, the UNMS will investigate the circumstances surrounding the violation and notify the offending party in writing and state necessary corrective action.

30. All disputes, misunderstandings and request for clarifications shall be brought immediately to the attention of the senior UNMO deployed on the ground in the specific area. In case further consultations are required, the issue shall be brought immediately to the attention of the CMO.

31. Subject to the relevant Security Council resolutions, and without prejudice to the model SOMA and to the Agreement to be concluded with the Government concerning the status of the UNSM in the territory of the Syrian Arab Republic, the aim of this Preliminary Understanding is to form the basis of a Protocol which will have annexed to it an illustrative list of violations and agreed definitions.

UNSupervisionMechanism- Syria

Definition of Terms:

1. **Syrian Army:** are military national forces, consisting of land forces , air and air defense forces, naval forces including marines, internal security forces and additional forces comprising Reserve Forces, People's army forces, and others to be established as necessary by the Government of Syria.
2. **Military Barracks:** are permanent military facilities which accommodate, train or hold Syrian Army units and formations and security forces.
3. **Heavy Weapons:** are all weapons operated individually or by a group/team with a calibre of above 14.5 mm. These include but are not limited to artillery pieces, tanks, mortars, rocket propelled grenades, anti-tank weapons, and anti-aircraft weapon systems. Armored Personnel Carriers will not be considered as a Heavy Weapon, if mounted weapons above 7.62mm caliber are disabled.
4. **Army Concentrations:** are army units or formations, beyond company level, deployed outside military barracks for tactical or operational purposes.
5. **Law Enforcement Units:** are units functioning under the authority of the Ministry of Interior to maintain public law and order through policing activities. They usually carry small arms, are uniformed, and maybe transported in armored personnel carriers.
6. **Police forces:** are government forces carrying out policing activities including community policing, security patrolling and investigative tasks. Such personnel would wear uniform, be in position of a government issued ID card and may carry a side or small arm.
7. **Pullback from inside and around population centers:** This means the movement of army concentrations, temporarily deployed in and around population centers to their barracks or to temporary deployment places, at least located a minimum of 2-3 km outside the perimeter of these population centers. This does not apply to barracks which already exist within cities and towns and considered the permanent location of these units or formations.
8. **Population Centers:** Is a geographic area in which a number of people reside within a clearly defined administrative boundaries and allocations including villages, towns and cities.